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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

11 CV 691 (LAK)

5 19 CR 561 (LAP)

6 STEVEN DONZIGER,

7 Defendant.

8 -----x

9 New York, N.Y.
10 September 23, 2019
10:07 a.m.

11 Before:

12 HON. LORETTA A. PRESKA

13 District Judge

14
15 APPEARANCES

16 SEWARD & KISSEL LLP
17 BY: RITA M. GLAVIN
18 BRIAN P. MALONEY
Special Prosecutors

19 ANDREW J. FRISCH
Attorney for Defendant

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(Case called)

THE COURT: United States against Steven Donziger.

Good morning. Is the government ready?

MS. GLAVIN: Good morning, your Honor. Rita Glavin and Brian Maloney for the prosecution.

THE COURT: Good morning.

Is the defense ready?

MR. FRISCH: Your Honor, good morning. Andrew Frisch for Mr. Donziger who is seated to my left.

THE COURT: Yes, sir. Good morning. How would you like to proceed.

Counsel.

MS. GLAVIN: Your Honor, I have provided discovery to Mr. Frisch. To the extent we get more I expect we will be providing it on a rolling basis.

I've had an opportunity to have some discussions with Mr. Frisch and I think he would like to report on a proposed schedule.

THE COURT: Mr. Frisch.

MR. FRISCH: So, your Honor, as Ms. Glavin notified the Court last time, the discovery embraces the more than two thousand docket entries and the underlying civil case. There's also 19 days of depositions of Mr. Donziger, so it's a lot to get through.

My understanding is Ms. Glavin has a trial coming up

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1 in the Southern District and she'll be available -- I imagine
2 she and I will keep in contact while she's on trial. But I
3 think what we would jointly propose is that we set the next
4 conference for after Thanksgiving. My understanding is that
5 Ms. Glavin's trial will keep her busy until November. When her
6 trial is over we'll have another very substantial meeting, I
7 expect. And if we come to the court after Thanksgiving I think
8 we'll be in a position to advise the Court whether we're
9 resolving this case or whether we have to set a motion
10 schedule.

11 THE COURT: Yes, sir. Any objection?

12 MS. GLAVIN: No, your Honor.

13 THE COURT: Very well. Thank you.

14 THE DEPUTY CLERK: How is December 4 at 9:30?

15 MR. FRISCH: That's fine for me.

16 MS. GLAVIN: That's fine for me, your Honor.

17 THE COURT: Thank you.

18 What else, friends?

19 MS. GLAVIN: Nothing, your Honor. In an abundance of
20 caution and without conceding that the Speedy Trial Act applies
21 we would ask that time be excluded from now until December 4.

22 MR. FRISCH: I have no objection, Judge.

23 THE COURT: Without holding that the Speedy Trial Act
24 applies, time between today and December 4 is excluded from
25 calculation under the Speedy Trial Act in the interests of

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1 justice in order to permit the prosecution to make discovery
2 available and to permit counsel to continue their discussions.

3 Anything else, friends?

4 MR. FRISCH: No, your Honor.

5 MS. GLAVIN: No, your Honor.

6 THE COURT: Thank you. Good morning, ladies and
7 gentlemen.

8 (Adjourned)